United Nations S/AC.49/2013/28

Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 6 November 2013 from the Permanent Mission of Cyprus to the United Nations addressed to the Committee

The Permanent Mission of Cyprus to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report of Cyprus regarding the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) (see annex).

13-60717 (E) 181213

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Annex to the note verbale dated 6 November 2013 from the Permanent Mission of Cyprus to the United Nations addressed to the Committee

Report of Cyprus regarding the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013)

Cyprus and the other Member States of the European Union have jointly implemented the additional restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2094 (2013) by adopting the following common measures:

1. **Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea, and repealing Decision 2010/800/CFSP of 22 December 2010.**

The Council Decision notes the adoption on 7 March 2013 of Security Council resolution 2094 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- Designation of additional persons and entities (travel ban and asset freeze) and insertion of additional criteria for designation, in accordance with paragraphs 8 to 10 of Security Council resolution 2087 (2013);
- Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, or to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by the European Union Decision, or to the evasion of measures imposed in those resolutions or in the European Union Decision, in accordance with paragraphs 7, 20 and 22 of resolution 2094 (2013);
- Prohibition to provide financial support for trade with the Democratic People's Republic of Korea, including in relation to activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by the European Union Decision or to the evasion of measures imposed by those resolutions or the European Union Decision, in accordance with paragraph 15 of resolution 2094 (2013);
- Obligation to prevent the provision of financial services, including in relation to bulk cash and regarding activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by the European Union Decision or to the evasion of measures imposed by those resolutions or the European Union Decision, in accordance with paragraphs 11 and 14 of resolution 2094 (2013);
- Prohibition on the opening of new branches, subsidiaries or representative offices of the Democratic People's Republic of Korea banks in the territories of the Member States of the European Union, taking an ownership interest in banks under the jurisdiction of Member States, the establishment of

correspondent banking relationships with banks under the jurisdiction of Member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of Member States if Member States have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by this Decision, or to the evasion of measures imposed by those resolutions or by this Decision, in accordance with paragraph 12 of resolution 2094 (2013);

- Obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of Member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on their behalf, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this Decision, in accordance with paragraph 16 of resolution 2094 (2013);

- Obligation to deny entry into the ports of Member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009), in accordance with paragraph 17 of resolution 2094 (2013);

- Obligation to deny permission to land in, take off from or overfly the territory of Member States of the European Union to any aircraft, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this Decision, in accordance with paragraph 18 of resolution 2094 (2013);

- Obligation to expel Democratic People's Republic of Korea nationals whom Member States of the European Union determine are working on behalf of, or at the direction of, a person or entity listed in annex I or II, or whom they determine are assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or of this Decision, from their territories for the purpose of repatriation to the Democratic People's Republic of Korea, consistent with applicable national and international law, in accordance with paragraph 10 of resolution 2094 (2013);

- Obligation to exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) or by this Decision, or to the evasion of measures imposed by those resolutions or by this Decision, in accordance with paragraph 24 of resolution 2094 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2094 (2013) did not require new European Union measures for implementation as the European Union had already taken similar measures on an autonomous basis at an earlier stage, in particular concerning a number of specific elements pertaining to the measures mentioned above.

With a view to ensuring uniform application of these measures by economic operators in all Member States, regulatory action at the level of the European Union has been taken in order to implement the measures of Council Decision 2013/183/CFSP falling under community competence:

2. **The following measure of Council Decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) is implemented by Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:**

– Designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

3. **The following measures of Council Decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) are implemented by Council Regulation (EU) No. 696/2013 of 22 July 2013 amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:**

– Insertion of additional criteria for designation, where it concerns the freezing of funds and economic resources;

– Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, including related technical assistance and brokering services;

– Obligation to prevent the provision of financial services in relation to prohibited activities;

– Prohibition on the opening of new branches, subsidiaries or representative offices of the Democratic People's Republic of Korea banks in the territories of the Member States of the European Union, taking an ownership interest in banks under the jurisdiction of Member States, the establishment of correspondent banking relationships with banks under the jurisdiction of Member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of Member States if Member States have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea;

– Obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of Member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or Democratic People's Republic of Korea nationals, or persons or entities acting on their behalf, including at their airports and seaports;

- Obligation to deny entry into the ports of Member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009);
- Obligation to deny permission to land in, take off from or overfly the territory of Member States of the European Union to any aircraft if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this Decision.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in Cyprus, as well as in all other Member States of the European Union.

The Ministry of Foreign Affairs of Cyprus duly informed all Ministries and competent authorities, as well as the Cyprus Bar Association and the Institute of Certified Public Accountants of Cyprus, of the adoption of Security Council resolution 2094 (2013) and the above-mentioned binding European Union legal acts, requesting them to take all necessary action, where necessary, for their immediate implementation and to notify the Ministry of Foreign Affairs in the case of suspected infringements.

All Ministries and competent authorities issued relevant Circulars informing their personnel and all interested industrial bodies and companies about the existing United Nations/European Union restrictive measures against the Democratic People's Republic of Korea and warning them about the legal consequences in the case of non-compliance.

Certain implementing national measures

Cyprus, for the purposes of compliance with the restrictive measures imposed against the Democratic People's Republic of Korea, has proceeded with the following in the field of maritime transport:

I. National legislation

The Council of Ministers issued, under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws of 1966-1971, the prohibition order P.I. 151/2011, which regulates the prohibitions imposed by the relevant Security Council resolutions and European Union legal instruments on transportation.

Specifically, P.I. 151/2011 implements Security Council resolutions 1718 (2006) and 1874 (2009), as well as Council Decision 2010/800/CFSP and Council Regulation (EC) No. 329/2007 as amended, so as to prohibit the transportation by Cyprus ships of arms and related materiel and luxury goods to and from the Democratic People's Republic of Korea.

Under paragraph 4(2) of P.I. 151/2011, any subsequent implementing or amending European Union legal acts are binding and are to be communicated to the maritime sector and the public by virtue of a Circular.

II. Circulars issued by the Director of the Department of Merchant Shipping

The Director of the Department of Merchant Shipping (DMS) issued the following DMS Circulars:

1. DMS Circular No. 6/2010 deals with bunkering or other servicing of vessels or ship supply services, suspicious cargo inspections, as well as the seizure and disposal of prohibited cargo;

2. DMS Circular No. 18/2011 outlines the provisions of P.I. 151/2011 and deals with cargo information and inspection and bunkering or other services;

3. DMS Circular No. 13/2013 outlines the newly introduced restrictive measures by virtue of:

   (i) Security Council resolutions 2087 (2013) and 2094 (2013);

   (ii) Council Decision 2013/88/CFSP of 18 February 2013 amending Decision 2010/800/CFSP;

   (iii) Council Regulation (EU) No. 296/2013 of 26 March 2013 amending Regulation (EC) No. 329/2007.

4. DMS Circular No. 18/2013 provides an updated and consolidated summary of the restrictive measures imposed by:

   (i) Security Council resolutions 2087 (2013) and 2094 (2013);

   (ii) Council Decision 2013/183/CFSP repealing Decision 2010/800/CFSP;

   (iii) Council Regulation (EC) No. 329/2007 as amended.

   This Circular covers the following aspects:

   (i) Prohibition of transportation of arms and related materiel, luxury goods, gold and precious metals and diamonds, and Democratic People's Republic of Korea denominated banknotes and coinage;

   (ii) Cargo information and inspection, bunkering and other services;

   (iii) Insurance and reinsurance regarding prohibited cargo.

III. Consolidation of measures by virtue of a new prohibition order/ national legislation

For the sake of clarity, a new prohibition order has been drafted in order to consolidate all prohibitions on transportation. The legal vetting of this prohibition order has already been successfully completed by the Law Office of the Attorney General and is expected to be issued by the Council of Ministers in September-October 2013.

This prohibition order seeks to implement the following:

(i) Security Council resolutions 1718 (2006), 1874 (2009) and 2094 (2013);

(ii) Council Decision 2013/183/CFSP and its subsequent amendments;

(iii) Council Regulation (EC) No. 329/2007, as amended by Commission Implementing Regulation (EU) No. 370/2013 and its subsequent amendments.

In cases of importation, exportation or re-exportation of goods, the Department of Customs and Excise examines the documents required in order to determine whether there is a violation of the provisions of the relevant paragraphs of resolution 2094 (2013). Depending on the preliminary findings, the Department proceeds to the physical examination of the goods and if there are grounds of violation, further proceeds with the seizure of goods.

Penalties imposed in case of infringement

Council Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions and provides sufficient legal basis for action to be taken against any person or entity violating its provisions.

Penalties determined by Cyprus are set out in the Criminal Code (chapter 154).

United Nations S/AC.49/2013/29

Security Council

Distr.: General
14 November 2013

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 12 November 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Committee

The Permanent Mission of the Republic of Azerbaijan to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose herewith the report of the Republic of Azerbaijan on measures to implement United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) (see annex).

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

13-60754 (E) 161213

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Annex to the letter dated 12 November 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Committee

Report of the Republic of Azerbaijan on measures to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013)

The Republic of Azerbaijan, as a Member of the United Nations, recognizes the primary responsibility of the Security Council for maintaining the international peace and security and fully supports timely and effective implementation of its resolutions. To that end, Azerbaijan takes the necessary national measures to enforce the respective provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). However, it must be taken into account that, due to the occupation of 20 per cent of its territory by the Republic of Armenia, the Republic of Azerbaijan is unable to guarantee the implementation of these resolutions in the occupied territories until the occupation ends and the territorial integrity of Azerbaijan is restored.

Since regaining its independence, Azerbaijan has been supporting and contributing to global efforts aimed at promoting peace and security, including to non-proliferation activities. As one of the States parties of the Treaty on the Non-Proliferation of Nuclear Weapons, Azerbaijan is committed to the goals and principles of the Treaty and fully abides by its obligations.

Azerbaijan takes all necessary efforts to maintain an effective export control system in order to prevent illegal activities relating to arms, military and dual-use goods, including the proliferation of weapons of mass destruction, their means of delivery and related materials. The export control system of the Republic of Azerbaijan aims at ensuring national security interests and implementing its obligations emanating from international non-proliferation agreements to which it is a party. According to the Constitution of the Republic of Azerbaijan, international agreements to which Azerbaijan is a party form an inalienable part of its legislative system, and in the event of conflicts between the national acts (with the exception of the Constitution and referendum acts) and international agreements to which the Republic of Azerbaijan is a party, the latter shall prevail. The export control system of the Republic of Azerbaijan also recognizes the role of the Security Council in imposing embargos and other restrictions.

After the adoption of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), Azerbaijan has taken the necessary measures to implement the respective provisions of these resolutions in an effective manner. In this regard, the resolutions and other pertinent documents have been communicated to the Cabinet of Ministers, which, in its turn, has issued instructions to the respective State agencies for their full implementation. Along with these resolutions, implementation assistance notices issued by the Security Council Committee established pursuant to resolution 1718 (2006) are being used as guidance for the implementation of the resolutions. More specifically, the following actions were taken:

- State Border Service of the Republic of Azerbaijan has issued instructions to the respective border posts;

- The financial monitoring service under the Central Bank of the Republic of Azerbaijan has issued orders for the implementation of respective provisions of the resolutions by credit institutions functioning in Azerbaijan;
- The State Customs Committee of the Republic of Azerbaijan has issued instructions to the respective local customs authorities.

In addition, the resolutions have been communicated to defence, finance, transport and aviation institutions of the Republic of Azerbaijan, including State Marine Administration and its relevant divisions, the Baku International Seaport, the Azerbaijan State Caspian Shipping Company, the State Oil Company and other State agencies for their timely and comprehensive implementation.

United Nations S/AC.49/2013/30

Security Council

Distr.: General
22 November 2013

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 21 November 2013 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to transmit Germany's report on the implementation of Security Council resolution 2094 (2013), in accordance with paragraph 25 contained therein (see annex).

13-61988 (E) 271213

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Annex to the note verbale dated 21 November 2013 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

Report of Germany to the Security Council Committee established pursuant to resolution 1718 (2006), in accordance with paragraph 25 of Security Council resolution 2094 (2013)

Germany and the other Member States of the European Union have jointly implemented the additional restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 2087 (2013) and 2094 (2013) by taking the following common measures:[1]

Council Decision 2013/88/CFSP of 18 February 2013 concerning restrictive measures against the Democratic People's Republic of Korea,[2] amending Council Decision 2010/800/CFSP of 22 December 2010:[3]

The Council Decision notes the adoption on 22 January 2013 of Security Council resolution 2087 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- Designation of additional persons and entities (travel ban and asset freeze), in accordance with paragraph 5 (a) of Security Council resolution 2087 (2013);
- A prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, in accordance with paragraph 5 (b) of Security Council resolution 2087 (2013);
- An obligation to exercise vigilance and restraint regarding the entry into or transit through the territories of European Union member States with regard to individuals working on behalf or at the direction of a designated individual or entity, in accordance with paragraph 12 of Security Council resolution 2087 (2013);
- An inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any Member State in accordance with relevant decisions of the Security Council, in accordance with paragraph 13 of Security Council resolution 2087 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation, as the Union had already taken similar measures on an autonomous basis at an earlier stage, in particular partially concerning paragraph 5 (a) and concerning paragraph 6 of Security Council resolution 2087 (2013). It is also noted

[1] All common measures are published in the *Official Journal of the European Union*.
[2] *Official Journal of the European Union*, L 46, 19 February 2013.
[3] *Official Journal of the European Union*, L 341, 23 December 2010.

that, in addition, Council Decision 2013/88/CFSP includes additional European Union autonomous measures, in view of the Union's deep concern about the Democratic People's Republic of Korea's violation of international obligations.

With a view to ensuring a uniform application of these measures by economic operators in all Member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council Decision 2013/88/CFSP falling under community competence.

The following measure of Council Decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) is implemented by Commission Implementing Regulation (EU) No 137/2013 of 18 February 2013,[4] amending Regulation (EC) No 329/2007[5] concerning restrictive measures against the Democratic People's Republic of Korea:

- Designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council Decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) are implemented by Council Regulation (EU) No 296/2013 of 26 March 2013,[6] amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, including related technical assistance and brokering services and financing or financial assistance;

- Inclusion of provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any Member State in accordance with relevant decisions of the Security Council.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No 329/2007 requires member States to determine the penalties applicable to infringements of their provisions (see below for more details).

Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea,[7] amending Council Decision 2010/800/CFSP of 22 December 2010[8]

The Council Decision notes the adoption on 7 March 2013 of Security Council resolution 2094 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

[4] *Official Journal of the European Union*, L 46, 19 February 2013.
[5] *Official Journal of the European Union*, L 88, 29 March 2007.
[6] *Official Journal of the European Union*, L 90, 28 March 2013.
[7] *Official Journal of the European Union*, L 111, 23 April 2013.
[8] *Official Journal of the European Union* L 341, 23 December 2010.

- Designation of additional persons and entities (travel ban and asset freeze), and insertion of additional criteria for designation, in accordance with paragraphs 8, 9 and 10 of Security Council resolution 2094 (2013);

- A prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, or to activities prohibited by Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the European Union decision, or to the evasion of measures imposed by these Security Council resolutions or the European Union decision, in accordance with paragraphs 7, 20 and 22 of Security Council resolution 2094 (2013);

- A prohibition to provide financial support for trade with the Democratic People's Republic of Korea, including in relation to activities prohibited by Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the European Union decision, or to the evasion of measures imposed by these Security Council resolutions or the European Union decision, in accordance with paragraph 15 of Security Council resolution 2094 (2013);

- An obligation to prevent the provision of financial services, including in relation to bulk cash and regarding activities prohibited by Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the European Union decision, or to the evasion of measures imposed by these Security Council resolutions, or the European Union decision, in accordance with paragraphs 11 and 14 of Security Council resolution 2094 (2013);

- A prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if member States have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missiles programmes of the Democratic People's Republic of Korea or other activities prohibited by Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by this decision, or to the evasion of measures imposed by those Security Council resolutions or by this decision, in accordance with paragraph 12 of Security Council resolution 2094 (2013);

- An obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or nationals of the Democratic People's Republic of Korea, or persons or entities acting on their behalf, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security Council resolution 1718 (2006),

1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 16 of Security Council resolution 2094 (2013);

- An obligation to deny entry into the ports of member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009), in accordance with paragraph 17 of Security Council resolution 2094 (2013);

- An obligation to deny permission to land in, take off from or overfly the territory of member States of the European Union to any aircraft, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 18 of Security Council resolution 2094 (2013);

- An obligation to expel nationals of the Democratic People's Republic of Korea who member States of the European Union determine are working on behalf of, or at the direction of, a person or entity listed in Annex I or Annex II, or who they determine are assisting the evasion of sanctions or violating the provisions of Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or of this decision, from their territories for the purpose of repatriation to the Democratic People's Republic of Korea, consistent with applicable national and international law, in accordance with paragraph 10 of Security Council resolution 2094 (2013);

- An obligation to exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) or by this decision, or to the evasion of measures imposed by those Security Council resolutions or by this decision, in accordance with paragraph 24 of Security Council resolution 2094 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2094 (2013) did not require new European Union measures for implementation, as the European Union had already taken similar measures on an autonomous basis at an earlier stage, in particular concerning a number of specific elements pertaining to the measures mentioned above.

With a view to ensuring a uniform application of these measures by economic operators in all member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council Decision 2013/88/CFSP falling under community competence.

The following measure of Council Decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) is implemented by Commission Implementing Regulation (EU) No 370/2013 of 22 April 2013,[9]

[9] *Official Journal of the European Union*, L 111, 23 April 2013.

amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council Decision 2013/183/CFSP falling within the scope of United Nations Security Council resolution 2094 (2013) are implemented by Council Regulation (EU) No 696/2013 of 22 July 2013,[10] amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- Insertion of additional criteria for designation, where it concerns the freezing of funds and economic resources;
- Prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, including related technical assistance and brokering services;
- Obligation to prevent the provision of financial services in relation to prohibited activities;
- Prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if member States have information that provides reasonable grounds to believe that this could contribute to the Democratic People's Republic of Korea's nuclear or ballistic missiles programmes;
- Obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or nationals of the Democratic People's Republic of Korea, or persons or entities acting on their behalf, including at their airports and seaports;
- Obligation to deny entry into the ports of member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009);
- Obligation to deny permission to land in, take off from or overfly the territory of member States of the European Union to any aircraft if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Security

[10] *Official Journal of the European Union*, L 198, 23 July 2013.

Council resolution 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. Germany has exhaustively complied with this requirement. The penalties determined by Germany are set out in sections 17, 18 and 19 of the Federal Foreign Trade and Payments Act and in section 82 of the Federal Foreign Trade and Payments Ordinance.

Within the scope of its national implementation competence, Germany has adopted the following national legislation prohibiting the sale, supply, transfer or export of arms and related materiel to the Democratic People's Republic of Korea and the provision of brokering services related to military activities: sect. 74, para. 1, no. 5; sect. 75, para. 1, no. 5 of the Federal Foreign Trade and Payments Ordinance. Additionally, Germany has prohibited the import of such goods from the Democratic People's Republic of Korea into Germany, as well as the transport of such goods aboard a vessel or aircraft entitled to fly the German flag (sect. 77, para. 1, no. 1, para. 2, of the Federal Foreign Trade and Payments Ordinance). Penalties for any infringement of these prohibitions are set out in section 80 of the Federal Foreign Trade and Payments Ordinance in conjunction with section 17 of the Federal Foreign Trade and Payments Act.

Further, section 78 of the Federal Foreign Trade and Payments Ordinance requires the issuance of a licence for the export and transit to the Democratic People's Republic of Korea of equipment for the manufacture of banknotes or stamps or of special papers necessary for such manufacture. Penalties for the infringement of this licence requirement are set out in section 18, paragraph 2, no. 1, of the Federal Foreign Trade and Payments Act.

As regards restrictions on admission (visa ban), Germany's general aliens legislation, together with Council Decision 2013/183/CFSP and Regulations (EC) No 539/2001 and (EC) No 810/2009, provide the basis for refusal of admission and denial of requests for a visa: the regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. The travel restrictions are implemented through the visa application process.